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7 ALLROUNDS, INC.,  
8 Plaintiff,  
9 v.  
10 ESHARES, INC., et al.,  
11 Defendants.

Case No. [20-cv-07083-VC](#) (DMR)

**ORDER GRANTING UNOPPOSED  
MOTION FOR ISSUANCE OF LETTER  
ROGATORY**

Re: Dkt. No. 225

12 In this patent infringement and trade secrets case, Defendant eShares, Inc. d/b/a Carta, Inc.  
13 (“Carta”) filed a motion for issuance of a letter rogatory to the Supreme Court of British  
14 Columbia, Canada, requesting documents and an order to compel non-party Glenn Ballman to  
15 appear for a deposition. [Docket No. 225.]<sup>1</sup> Carta attests that it seeks discovery of Ballman,  
16 whom it determined is currently residing in or around Vancouver, British Columbia, regarding his  
17 work with Genesis Exchange System. Declaration of Gabriel M. Ramsey (“Ramsey Decl.”) ¶¶ 6,  
18-23. Carta spoke with Ballman or his counsel about the requested documents and deposition on  
19 several occasions but as of March 11, 2022, Ballman appeared to object to providing any  
20 additional documents or sit for deposition. Ramsey Decl. ¶¶ 10-16.

21 On March 15, 2022, this court ordered the parties and Ballman to file a brief joint  
22 statement indicating whether Plaintiff AllRounds and/or Ballman oppose Carta’s motion. [Docket  
23 No. 228.] The court also directed Carta to serve the order on Ballman’s counsel. *Id.* According  
24 to the parties’ joint statement, Ballman’s attorney communicated that Ballman opposes Carta’s  
25 motion but that he has not been retained as counsel. [Docket No. 230.] Carta thereafter served the  
26 court’s March 15, 2022 order on Ballman but he did not respond. *Id.*

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28 <sup>1</sup> This matter is appropriate for resolution by the undersigned in accordance with the presiding  
judge the Honorable Vince Chhabria’s referral of all discovery matters. [Docket No. 193.]

1       Although AllRounds initially indicated in the joint statement that it opposed Carta's  
 2 motion, on March 28, 2022, AllRounds subsequently filed a statement of non-opposition. [Docket  
 3 No. 232.] AllRounds states that although it does not oppose Carta's request to conduct discovery  
 4 of Ballman through issuance of a letter rogatory, it objects to the extent Carta's motion would  
 5 extend discovery beyond the deadlines set by Judge Chhabria in the amended scheduling order in  
 6 this case.<sup>2</sup> Ballman did not file an opposition to Carta's motion, nor has he entered an appearance.

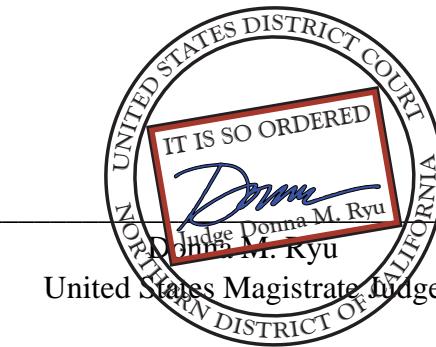
7       “A letter rogatory is the request by a domestic court to a foreign court to take evidence  
 8 from a certain witness.” *Intel Corp. v. Advanced Micro Devices, Inc.*, 542 U.S. 241, 248 n.1  
 9 (2004); *see* 28 U.S.C. § 1781(b)(2); Fed. R. Civ. P. 28(b) (“A deposition may be taken in a foreign  
 10 country . . . under a letter of request, whether or not captioned a ‘letter rogatory.’”) A letter  
 11 rogatory may include a request for production of documents. *Barnes & Noble, Inc. v. LSI Corp.*,  
 12 No. C-11- 02709-EMC-LB, 2012 WL 1808849, at \*1 (N.D. Cal. May 17, 2012). “The Canada  
 13 Evidence Act also specifically provides that a court outside of Canada may serve letters rogatory  
 14 upon a Canadian court.” *Asis Internet Servs. v. Optin Glob., Inc.*, No. C-05-05124-JCS, 2007 WL  
 15 1880369, at \*3 (N.D. Cal. June 29, 2007) (citing R.S.C.1985, c. C-5, s. 46).

16       The court grants Carta's motion for issuance of the letter rogatory. Carta shall promptly  
 17 resubmit the letter rogatory so that it is addressed from the undersigned rather than Judge  
 18 Chhabria. Carta shall also update the signature block on the letter accordingly.

19       By granting the motion, the court takes no position on the effect that issuance of a letter  
 20 rogatory to the Supreme Court of British Columbia may have on the discovery schedule in this  
 21 case. Requests to extend the discovery deadline must be directed to Judge Chhabria.

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 23       **IT IS SO ORDERED.**

24       Dated: March 31, 2022



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 28       <sup>2</sup> Per Judge Chhabria's minute order, fact discovery has closed as of March 25, 2022 and expert  
 discovery closes on June 24, 2022, and no further extensions will be granted. [Docket No. 229.]